

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 4:90-CV-107-BO
No. 4:89-CR-14-BO

COURTNEY L. FULLER,

v.

UNITED STATES

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ORDER

This matter is before the Court on Petitioner's Motion to Reinstate his § 2255 Claims. The Motion is DISMISSED.

FACTS

On September 18, 1989, Petitioner was found guilty of several drug-related offenses. On November 28, 1989, Petitioner was sentenced to a 28-year term of imprisonment. His conviction and sentence were upheld on appeal by the Fourth Circuit Court of Appeals.

Since then, Petitioner has filed several motions with this Court. On August 9, 1990, Petitioner filed a motion pursuant to Rule 35 of the Federal Rules of Criminal Procedure. The Court construed Petitioner's motion as a collateral attack pursuant to 28 U.S.C. § 2255, and dismissed the motion as frivolous. That dismissal was affirmed by the Fourth Circuit on December 3, 1990.

On January 2, 1997, Petitioner filed another § 2255 motion. That motion was dismissed by the Court on January 8, 1997, and Petitioner was directed to obtain leave to file his motion from the Fourth Circuit. Petitioner's request to file a second or successive motion was denied by the Fourth Circuit on July 7, 1997.

On December 21, 2004, Petitioner sought leave to file what he claimed to be his "first and only" § 2255 motion. That motion was denied by the Court as successive, by order dated September 10, 2005. On April 13, 2006, this Court denied Petitioner's Motion to obtain a Certificate of

Appealability, in order to appeal the Court's order of September 10, 2005. On May 19, 2011, the Petitioner motioned to reinstate his § 2255 petition. The Court dismissed this petition as successive on June 27, strongly stating that

Petitioner's repeated attempts to petition this Court to vacate or alter his sentence are fruitless. The Court is without jurisdiction to hear these motions. Until Petitioner secures permission from the Fourth Circuit to file a successive § 2255 petition, all of Petitioner's petitions will be dismissed.


Now, only three weeks later, the Petitioner filed the instant Motion to Alter or Amend pursuant to Federal Rule of Civil Procedure 59(e).

DISCUSSION

Petitioner once again submits a frivolous motion to this Court. Defendant effectively requests the Court to reconsider its June 27, 2011 Order denying Petitioner's § 2255 as successive.

The Petitioner has not provided sufficient reason for the Court to reconsider its Order. As previously explained to this Petitioner, the Court is without jurisdiction to consider Petitioner's successive § 2255 motions unless he receives permission from the Fourth Circuit to file such motions. The Fourth Circuit denied him this permission in 1997.

SO ORDERED, this 23 day of July, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE